84th Year, No. 39
Rochester, N.Y., Monday, March 1, 1993

11-0075 1
Monroe County Legal Assistance Corp.
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Rochester, NY 14604

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The Daily Record
Monroe County's Business/Legal Daily Newspaper

Today's Quotation

"Let the people think they govern and they will be governed."
—William Penn

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State Bar Ethics Opinion

Multiple Representation; Differing Interests; Insufficient Assets

NEW YORK STATE BAR ASSOCIATION
Committee on Professional Ethics

Opinion 639 - 12/7/92 (28-92).

Topic: Multiple representation; differing interests.

Digest: Lawyer may not represent in separate actions two plaintiffs against the same defendant where there will be insufficient assets available for full satisfaction of all claims unless it is obvious the lawyer can adequately represent both plaintiffs and both plaintiffs consent after full disclosure.

QUESTION: May a lawyer represent two plaintiffs injured in the same occurrence in separate actions against the same defendant where there likely will be insufficient assets available for full satisfaction of all claims?

OPINION: A, an attorney, has been retained to represent X, a person who suf-

representation on the exercise of the lawyer's independent professional judgment on behalf of each.

"Differing interests" is defined to include conflicting, inconsistent, diverse and other interests that will adversely affect the judgment or the loyalty of a lawyer to a client.[1]

REPRESENTATION of multiple de-

We Erred in Headline on Case

LAST THURSDAY'S HEADLINE on a State Supreme Court decision by Justice Andrew V. Siracuse was in error. The Gay Alliance of Genesee Valley indeed challenged the denial of its application for a real property-tax exemption, but the sole issue before the court was its motion to leave to add a cause of action alleging that the denial violated the alliance's constitutional rights.

In fact, Justice Siracuse merely granted the Gay Alliance's motion to amend its complaint in its lawsuit against the city so as to add a cause of action to the effect that the city's denial of the tax exemption violated the alliance's constitutional rights. Furthermore, Justice Siracuse made it clear that allowing the amendment was without regard to its underlying merits.

The Daily Record regrets the error.

Sorry

3rd Dept. Ruling:

Justice Bergin Not Due Mileage Payment

ALBANY—The Appellate Division, 3rd Dept., of State Supreme Court ruled here last Thursday that State Supreme Court Justice Eugene W. Bergin of the 7th Judi-

Hall of Justice in Rochester.

The 3rd Dept. ruled that Justice Bergin's move from Rochester five years ago had not been caused by his work and did not qualify him for reimbursement.